

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL MARTINEZ,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 2:14-cv-01899-JCM-NJK

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

Petitioner filed a petition in this court which the clerk opened as case no. 3:14-cv-00282-HDM-WGC. In that case, on September 15, 2014, the court struck the petition because it was not on the court-approved form. The court's order of September 15, 2014, gave petitioner thirty days in which to file an amended petition on the court-approved form. Because it appeared that petitioner failed to comply with the court's order to file an amended petition, the action was dismissed without prejudice by order filed October 29, 2014.

In the meantime, petitioner prepared and signed a petition on the court-approved form, which the clerk opened as a new case under the above-captioned case number. (ECF No. 1-1). Attached to the petition is the September 15, 2014, order filed in case no. 3:14-cv-00282-HDM-WGC requiring the filing of an amended petition on the court-approved form. (ECF No. 1-1, at pp.


1 9-10). The petition in the above-captioned case was signed on October 7, 2014. (ECF No. 1-1, at p.
2 8). Petitioner swears under penalty of perjury that he that he gave his *in forma pauperis* application
3 to prison officials for mailing on October 7, 2014. (ECF No. 1, at p. 4). It appears that petitioner
4 intended his petition to be filed in case no. 3:14-cv-00282-HDM-WGC. In submitting the petition
5 on October 7, 2014, petitioner complied with the September 15, 2014, order filed in case no. 3:14-
6 cv-00282-HDM-WGC, which required the filing of an amended petition on the court-approved
7 form. Therefore, the petition and accompanying motions shall be filed in case no. 3:14-cv-00282-
8 HDM-WGC and the above-captioned case shall be closed.

9 **IT IS THEREFORE ORDERED** that the clerk of the court **SHALL TRANSFER** the
10 petition, and all motions and documents in the above-captioned case to case no. **3:14-cv-00282-**
11 **HDM-WGC.**

12 **IT IS FURTHER ORDERED** that the clerk of court **SHALL FILE** a copy of this order in
13 case no. **3:14-cv-00282-HDM-WGC.**

14 **IT IS FURTHER ORDERED** that the clerk of court **SHALL CLOSE** the present action
15 under the above-captioned docket number.

16 Dated May 18, 2015.

17
18 
19 UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28